IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6325 OF 2005

Shubhada Narayan Gaikwad ... Petitioner

Versus

State of Maharashtra and Ors. Respondents

Mr. S.S. Pakale for Petitioner.

Mr. N.V. Walawalkar with Mr. G.H. Keluskar for Respondent Nos. 3 and 4.

Mr. P.M. Patil, A.G.P. for Respondent Nos. 1 and 2.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : OCTOBER 26, 2005

P.C.

. Rule. By consent heard forthwith.

. The Petitioner was initially appointed as untrained teacher in the year 1966. The Petitioner had qualifications of S.S.C. T.D. In the year 1974, the Petitioner acquired B.A. qualifications and since the year 1974 the respondents have been treating the Petitioner as trained graduate teacher.

. It is the case of the Petitioner that she is senior most trained teacher and consequently is eligible for appointment to the post of Supervisor. By communication dated 2.82005 the Head Mater was informed that the educational qualification of Sau. Gaikawad as untrained post of C category and therefore, cannot be appointed in category "C" and hence, cannot be appointed in the post of supervisor.On fact it appears that the Petitioner after being appointed as Supervisor thereafter has been appointed to the post of Assistant Head Master.

. On behalf of the Respondent No. 1 reply has been filed contesting the claim of the Petitioner. It is again sought tobe reiterated that the said Rule, in Note 1 requiers that for the purpose of categories C, D AND E teacher with S.T.C., T.D., Jr. P.T.C. Dip. T.Ed (Post S.S.C. One Year Course) qualifications, appointed on or 1st October 1970 shall be considered as untrained and their seniority shall be fixed in the "F" or "G" category

of untrained teachers, as the case may be.

. That issue could have been considered if the respondent No. 1 had not recognised the Petitioner as trained graduate teacher from the year 1974. Once the Petitioner was recognised as trained graduate teacher in the year 1974, seniority will have to be considered inter se amongst those who are in category C. Admittedly the Petitioner is senior most and consequently was eligible for being considered and posted as Supervisor and consequently to the post of Assistant Head Master.

. In view of the above, petition will have to be allowed.Rule made absolute in terms of Prayer Clauses (a) and (b). No order as to costs.

. **(F.I. REBELLO,J.)**

(DR.D.Y.CHANDRACHUD,J.)